



October 25, 2017

Steven J. Poplawski
Direct: 314/259-2610
Fax: 314/259-2020
sjpoplawski@bryancave.com

VIA E-MAIL AND FEDERAL EXPRESS

Judge Helen Ferrara
Administrative Law Judge
USEPA, Region 2
290 Broadway, Mail Code 16th Floor
New York, NY 10007-1866

Re: Kerry Biofunctional Ingredients, Inc. d/b/a Kerry Bio Sciences,
Docket No. RCRA-02-2017-7108, Request for Extension of Time To Answer

Dear Judge Ferrara:

Bryan Cave represents Kerry Biofunctional Ingredients, Inc. d/b/a Kerry Bio Sciences (“Kerry”) in the above-referenced matter. For the reasons set forth below, Kerry respectfully requests an extension of time to answer the Complaint, Compliance Order and Notice of Opportunity for Hearing (the “Complaint”) and request a hearing in the above-referenced matter:

1. Kerry was served with the Complaint on September 29, 2017. Absent an extension a responsive pleading and request for hearing would be due on or before October 30, 2017.
2. On October 25, 2017, Kerry served counsel for EPA, Gary Nurkin, with a request for an informal conference with the Agency. This extension request is intended to afford Kerry and the Agency with adequate time to determine if they can resolve this matter through the informal settlement conference process.
3. Undersigned counsel has conferred with EPA Counsel and Mr. Nurkin does not object to the requested extension.

WHEREFORE, Kerry respectfully requests that Your Honor enter an order granting Kerry an extension of time to answer and/or request a hearing until ten business days after completion of the informal settlement negotiations. The parties shall provide Your Honor and the Regional Hearing Clerk with written notice should informal settlement negotiations conclude without achieving a settlement.

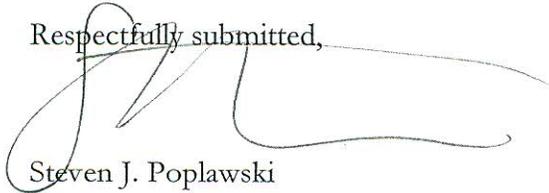
Judge Helen Ferrara

October 25, 2017

Page 2

Thanks for your attention and consideration. Please do not hesitate to contact me or my colleague Tom Lee (415) 675-3447 with any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Poplawski", with a long horizontal flourish extending to the right.

Steven J. Poplawski

cc: Gary Nurkin
✓ Karen Maples
Thomas Lee